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HOME SECRETARIAT.

NOTIFICATION.

Bangalore dated the 19th October 1967.

G. S. R. 469.—In exercise of the powers conferred by section 71 of the Mysore Excise Act, 1965 (Mysore Act No. 21 of 1966), the Government of Mysore hereby makes the following rules, the draft of the same having been previously published, as required by sub-section (1) of section 71 of the said Act, in Notification G.S.R. No. 434 in Part IV–2–C(i) of the *Mysore Gazette* (Extraordinary) dated 30th September 1967, namely:—

THE MYSORE EXCISE LICENCES (GENERAL CONDITIONS) RULES, 1967.

1. Title, extent and commencement.—(1) These rules may be called the Mysore Excise Licences (General Conditions) Rules, 1967.

(2) They shall extend to all the areas of the State of Mysore, where the Mysore excise Act, 1965 is in force.

(3) They shall come into force at once.

2. Application.—These rules shall apply to all licences issued under the Mysore Excise Act, 1965 for sale of liquors and every such licence shall be deemed to include the conditions prescribed by these rules as general conditions.

3. Definition.—In these rules, 'shop' means the licensed premises where liquor is sold and "licensee" means a person to whom a licence to sell liquor has been granted.

4. Commencement of business.—Licensee shall commence his business on the 1st July or such date as may be notified by the Excise Commissioner and shall keep open on every day during such hours as may be fixed by the Excise Commissioner.

Explanation.—Any shop shall be deemed to be open when in the case of liquor shop so much of stock is always kept in the shop so as to meet the requirements for a week and in case of toddy shops to the extent of daily requirements.

5. Shop to be approved.—(1) The licensee shall select a suitable site outside but adjacent to a village for locating his shop.

(2) The Deputy Commissioner shall, after consulting the village panchayat and making such enquiry as he thinks fit, may approve the site so selected.

(3) After such approval the description of the shop shall be entered in the licence to be issued.

(4) The licensee shall sell liquor only in the approved shop and shall not sell any other article in the said premises.

6. Sign boards, etc.—Every licensee shall affix a sign board in a conspicuous place of the shop showing the nature of the shop, number of licence and retail price in such language as may be understood by the majority of the residents in the locality.

7. Entrance and Exit.--There shall be only one and the same entrance and exit for the shop.

8. Mixture prohibited.—The licensee shall not mix any material injurious to the health or mix anything to decrease or increase the strength of the liquor or its intoxicating power.

9. Employment of women and certain others prohibited.—(1) The licensee shall not employ any woman other than his family member.

(2) He shall not employ any person who has been convicted.

(3) The licensee shall not employ, in any capacity, a person who is below the age of 18 years or a person who is suffering from any contagious disease.

10. Liquor not to be sold to certain persons, etc.—(1) No liquor shall be sold or otherwise given to the following persons, namely :—

(*a*) insane persons ;

(*b*) persons known or believed to be drunk ;

(*c*) persons known or suspected to be about to take part in a riot or disturbance of public peace or any other crime ;

(*d*) Excise officials, Police Officers, Railway Servants and Motor bus Chauffeur, on duty, or in uniform;

(e) persons below the age of 18 years.

(2) No quantity of liquor shall be allowed to be taken out of the shop except to the extent permitted by the rules under Mysore Excise Act, 1965.

11. Licensee not to permit certain acts.—Gambling, dance, gathering, feast or any kind of entertainment or unlawful act shall not be permitted in the shop.

12. Intimation to Police Officers.—The licensee shall give intimation to the police officers of any thief or person suspected to have committed any offence when such person is in his shop.

13. Customers not to be allowed to stay at night.—The licensee shall not allow any person other than a member of his family or his authorised servant in the shop during nights after the time fixed for closing the shop.

14. Sales only for cash.—No liquor shall be sold except for cash.

15. Payment of rent, etc.—(1) The rent payable to Government in respect of the shop shall be credited by the licensee in the Government Taluk or District Treasury wherein the shop is situated. Every month's rent shall be credited before the fifth of that month without interest and upto 15th or the following working day if 15th happens to be a holiday with interest of 6¼% per annum. The interest shall be levied on the outstanding balance as long as they stand undischarged irrespective of the expiry of the lease period. If the rent for any month is not remitted together with the interest even by the end of the month the lease shall be deemed to have been determined and the right to vend of liquor shall be re-auctioned and the licence issued shall stand cancelled.

(2) The lease shall be determined and the licence cancelled in the case of tappings of the trees without payment of duty thereof on behalf of the licensee and tree tax

and tree rent is not remitted immediately, after they are booked for infraction.

(3) The District Excise Officer may stop the issue of the allotted liquor or trees for the realisation of rent, tree tax and tree rent.

(4) If the rent, tree tax and tree rent are not credited even in respect of any one shop of the group of shops of the licensee, the lease shall be determined and the licence cancelled and the group of shops may be put to re-auction.

(5) The advance rent deposited by the licensee before the commencement of the lease shall be adjusted towards the rent of the last month of the lease period.

16. Suspension of licence.—(1) The licence may be suspended by the Deputy Commissioner when the licensee makes default in payment of the rent, tree tax and tree rent of any shop or group of shops.

(2) When a licence is suspended, the Deputy Commissioner may make alternate arrangements for the sale of liquor. Any loss which the Government may incur in this behalf may be recovered from the licensee and the Deputy Commissioner may forfeit the deposits either in full or in part with the approval of the Excise Commissioner.

17. Transfer of lease not permitted.—The right of retail vend of liquor shall not be transferred by the licensee except with the previous permission of the Deputy Commissioner.

18. Only authorised persons to be in charge.—The licensed shop shall not be put in charge of any person other than one authorised by the licensee by a nowkarnama issued in consultation with the Excise Inspector. The licensee shall be bound by all acts of the person so authorised.

19. Report of breach.—Every breach of the conditions of the licence or the provisions of the Mysore Excise Act, 1965 by any servant of the licensee or other person shall immediately be reported by the licensee to the Excise Officer and the licensee shall comply with the orders of the Excise Officer in this behalf.

20. Licensee not to be interested in Excise Officer.—No licensee shall have any pecuniary transactions with the Officers of the Department of Excise, Police or Revenue.

21. Inspection.—(1) The following Officers shall be authorised to inspect any shop :—

(*a*) Any Excise Officer not below the rank of an Assistant Inspector.

(*b*) Any Revenue Officer not below the rank of Tahsildar.

(*c*) Any Gazetted Officer of the Medical or Health Department.

(2) The licensee shall produce the receptacles kept for measurements of the liquor at the time of Inspection.

(3) The licensee shall maintain an inspection book and other registers as may be prescribed by the Excise Commissioner and keep a record of all inspection notes and make proper entries. The Inspection Book shall be delivered to the Excise Officer on the termination of the lease period.

22. Conviction entails cancellation of all licences.—Where a licensee holds more than one licence and he is convicted for breach of conditions of any one of such licences, the other licences also may be cancelled.

23. Shifting of shops.—The licensee shall not shift the licensed premises from one place to another without the prior approval of the Deputy Commissioner.

24. Licensee not entitled to compensation.—Where a licence is cancelled during the currency of the licence, the licensee shall not be entitled to any compensation of any kind.

[No. HD 76 EFL 67.]

By Order and in the name of the Governor of Mysore,

M. G. KRISHNA,
Under Secretary to Government,
Home Department.

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